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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yasuhiko Mizushima

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2613

MAIL DATE

DELIVERY MODE

03/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/892,139

Applicant(s)

MIZUSHIMA ET AL.

Examiner

Hanh Phan

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,5,6 and 8-11.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments to claims 1, 5, 6 and 8-11 are not persuasive. The independent claims 1 and 10 include the limitations of "an optical data bus communication system of an artificial satellite, comprising: a plurality of first device, each of which is equipped with an optical transmitter each transmitter transmitting signals of a differing wavelength; a reflection means that is provided on the entire inner surface of, or at prescribed locations inside, the case of the artificial satellite; and a plurality of second devices, each of which is equipped with an optical receiver that receives optical signals that are transmitted from said optical transmitters both directly and after reflection and diffusing by the reflection means, each receiver receiving optical signals of a different wavelength and reproduces the optical signals from these received signals." and applicant argues that the cited references (Laine and Scifres) fail to teach such limitations and applicant argues that the combination of Laine and Scifres is improper. The examiner respectfully disagrees. As indicated in Figures 1 and 4, Laine teaches an optical data bus communication system of an artificial satellite (i.e., Figures 1 and 4). Laine further teaches that the satellite system comprising: a plurality of first device each of which is equipped with an optical transmitter (i.e., a plurality of equipment units E1, E2,..., En, each of which is equipped with an optical transmitter DEM and a central Unit UC device is equipped an optical transmitter DEC, Fig. 1, col. 3, lines 24-67 and col. 4, lines 1-32); a reflection means (i.e., optical mirrors 10 and 12, Figs. 1 and 4) that is provided on the entire inner surface of, or at prescribed locations inside, the case of the artificial satellite; and a plurality of second devices, each of which is equipped with an optical receiver (i.e., a plurality of second devices such as equipment devices E1, E2,..., En and central Unit device, each equipment units E1, E2,..., En is equipped an optical receiver DRC and the central Unit device is also equipped an optical receiver DRM, Fig. 1, col. 3, lines 24-67 and col. 4, lines 1-32) that receives optical signals that are transmitted from the optical transmitters both directly and after reflection and diffusing by the reflection means, and reproduces the optical signals from these received signals (i.e., Figs. 1-4, col. 3, lines 24-67, col. 4, lines 1-64 and col. 5, lines 44-48). Scifres, from the same field of endeavor, likewise teaches an optical wireless local area network for communication between spatially dispersed terminals which are located in a single room (Figures 1 and 2). Scifres further teaches each optical transmitter transmitting signals of a different wavelength and each optical receiver receiving optical signals of a different wavelength (As indicated in Figure 1, Scifres teaches a multi-terminal network within a room 20. A first terminal 22 has a connected transmitter 24 and receiver 26. The transmitter 24 contains at least one laser diode which emits an angularly dispersed infrared output represented by arrows 28. The output 28 has a narrow frequency band centered about a frequency F1. A second terminal 30 has a connected transmitter 32 and receiver 34. The transmitter 32 contains at least one laser diode which emits an broadly dispersed infrared output represented by arrows 36. The output 36 has a narrow frequency band centered about a frequency F2. A third terminal 40 has a connected transmitter 42 and receiver 44. The transmitter 22 contains at least one 46. The output 46 has a narrow frequency band centered about a frequency F3. The terminals 22, 30 and 40 each have a characteristic output frequency, F1, F2 and F3, respectively, that acts to identify the terminal as well as avoid crosstalk between signals. The receivers 26, 34 and 44 each have means for detecting the output frequencies of separate terminals and excluding other frequencies. Scifres further teaches that a dispersion of output radiation over an angle of at least 45 degree in all directions from a central axis is preferable for ensuring communication between terminals in a single room. Additional spatial dispersion may occur due to reflection of the radiation from walls and other objects) (col. 3, lines 52-67, col. 4, lines 1-15 and col. 5, lines 26-30).

Therefore, it is believed that the limitations of claims 1, 5, 6 and 8-11 are still met by the combination of Laine, Scifres, Heflinger and Ohhata et al and the rejection is still maintained..


HANH PHAN
PRIMARY EXAMINER